

REMARKS

This application has been carefully reviewed in view of the above Office Action. Applicant's response is as follows:

Regarding the Claim Objections:

Applicant has amended the dependency of claim 9 to correct the noted problem. Reconsideration is respectfully requested.

Regarding the Rejections Based on 35 U.S.C. §112

Applicant has amended claims 2, 15, 18 and 30 to correct the noted defect. With this amendment, these claims are now believed to comply with 35 U.S.C. §112. Also, with this amendment, claim 30 which was indicated allowable but for this rejection, is believed to be clearly in condition for allowance. Reconsideration is respectfully requested.

Regarding the Rejections Based on 35 U.S.C. §102

Applicant respectfully requests reconsideration in view of the following discussion.

Applicant's Invention

While not intending that the claims be limited in view of this discussion, a brief overview of certain embodiments is believed to be in order to facilitate understanding of the invention and its distinctions over the cited art.

In the context of Applicant's disclosure, certain "locations" of a Graphical User Interface for a television can be navigated to in order to establish an operational "context". Such locations/contexts include, for example, email, program guide, movies, events, etc. These locations establish an operational context. Certain features associated with the operational context may be present upon navigation to the location/context (e.g., the Movies context permits direct selection of Top Picks, Categories, or Movies A-Z, in the example of Fig. 6.)

However, each operational context has associated therewith a separate set of options which are normally not displayed. Normally, these options are hidden from view

S/N 09/697,964

- 9 -

to minimize screen clutter. In order to access these options, a common "option palette" feature is invoked, regardless of location/context. By knowledge of the existing context, the system retrieves and overlays the appropriate palette of options associated with the context.

Thus, whether the system is in the Movies context, EPG context or Home context (etc.), the user can invoke an appropriate set of options beyond those menu selections that appear automatically for the particular context. These options are invoked, without regard for the context, by use of a single "Options Palette" button on the user's remote control. Only upon actuation of such an "Options Palette" button will the options appear on the screen as an overlay. Note that this overlay supplements the menu for the particular context.

By way of example, and not limitation, claim 1 and each independent claim calls out this function by stating: *"detecting actuation of a pop-up option palette control; and upon detecting actuation of the pop-up option palette control, overlaying the image on the display screen with a pop-up option palette displaying a plurality of selectable user options, the options having functions associated with the current operational context"* (or similar language). Note that this action takes place subsequent to displaying the image associated with the context and only upon actuation of the pop-up option palette control (in order to "overlay", the image being overlaid inherently has to already exist - thus establishing the order). Thus the context and associated display is already established when the option palette is invoked to generate the overlay.

The Knudson Reference

The Knudson reference of record is the main reference used in support of each rejection in this Office Action. In particular, the disclosure surrounding Fig. 5 and Fig. 18 are used to support the rejection. The Office Action asserts that Knutson's overlaying the video 1811 on display screen 1800 meets the above-described claim feature. However, this is not the case. The Examiner's attention is directed to FIGS. 5 and 18, and col. 9, lines 35-50 and col. 14, lines 5-20 (portions of which are referenced by the Examiner in the Office Action). This portion of the specification states as follows (in part):

S/N 09/697,964

-10-

"The user may indicate a desire to access the program guide by, for example, pressing a "guide" key on remote control 40. ... Main menu screen 100 may contain, for example, a menu 102 of selectable program guide features. ... FIG. 18 is an illustrative display screen 1800 that the program guide may generate for display in response to an indication by the user that the user desires to access the TV Mail feature of the program guide. ... The TV Mail screen 1800 of FIG. 18 may contain a video portion 1881 in which the television programming on the current channel is displayed. ... The TV Mail screen of FIG. 18 may also include a selectable list of program guide features."

Thus, in Knudson, the user accesses a program guide by pressing a guide key, then selects, e.g., TV Mail from menu 102. This leads to the image of FIG. 18 which already includes all options for the TV Mail feature of Knudson. In other words, Knudson merely discloses a conventional chain of menus that can be navigated by the user to hierarchically reach a particular feature found in sub-menus. There is no teaching or suggestion of providing contextual options by selection of an "Option Palette" control button from a remote control in order to retrieve a pop-up option palette that is sensitive to the context.

To put this another way, the screen of FIG. 18 of Knudson represents a "context" within the meaning of the claims. In order to meet the claim features, once in the context (for example the context of TV Mail per FIG. 18), Knudson would have to teach actuation of an "Option Palette" button on a remote control which would then cause an *"overlaying [of] the image on the display screen with a pop-up option palette displaying a plurality of selectable user options, the options having functions associated with the current operational context"*. However, Knudson has no such teaching or suggestion.

The Rejections Under 35 U.S.C. § 102

Claims 1, 2, 14, 15, 17 and 18 were rejected as anticipated by Knudson. Each of these claims contain claim features identical to or similar to *"overlaying the image on the display screen with a pop-up option palette displaying a plurality of selectable user options,*

the options having functions associated with the current operational context". As explained above, there is no explicit teaching, nor is there any suggestion of this feature in Knudson. Accordingly, claims 1, 2, 14, 15, 17 and 18 are believed allowable. Reconsideration and allowance are respectfully requested.

The Rejections Under 35 U.S.C. § 103

Claims 3-13, 16, and 19-29 were rejected as obvious, with each rejection being based again on the Knudson reference. In view of the above-noted deficiency in the purported teachings of Knudson, each of the obviousness rejections proffered in the current Office Action are defective for failure to fully and properly consider each and every claim limitation. Without the benefit of a teaching of each and every claim limitation, *prima facie* obviousness cannot be established. Accordingly, reconsideration and allowance are respectfully requested.

Concluding Remarks

If, upon consideration of these differences, the Examiner feels that further clarification in the claims is required to assure that the distinction described above is clear, the undersigned respectfully requests that the Examiner contact him by telephone at the number below.

In view of the distinctions noted above, it is believed unnecessary to comment on the secondary references, except to note that they do not appear to make up for the deficiency of the main Knudson reference, nor are they alleged to in the Office Action. Many other distinctions exist between the cited references and the invention as claimed. However, in view of the clear deficiencies in the art as pointed out above, further discussion of these distinctions is believed to be unnecessary. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position.

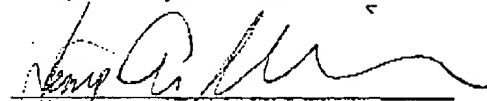
In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. However, if the Examiner notes other matters that should be resolved prior to passing this case to issue, an interview

S/N 09/697,964

-12-

is respectfully requested. The undersigned can be reached to arrange such an interview at the phone number below.

Respectfully submitted,



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S/N 09/697,964

-13-